IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 319 of 2001
(Old No. 1825 of 2000)

Ramesh Chander Sharma
S/o Shri Chintamani Sharma
Member & Patron Rajkiya Shikshak Sangh
Raijkiya Inter College
Thal, Police Station Thal
District Pithoragarh .....Applicant

Vs

1. State of U.P.
2. Ram Lal S/o Late Moti Ram
District Pithoragarh .....Opposite Parties

Sri Chetan Joshi, learned counsel for the applicant/petitioner.
Sri Lokendra Dobhal, learned counsel for the opposite party No. 2.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed for quashing the orders dated 08.12.1999 passed by Judicial Magistrate 1St Class, Didihat, District Pithoragarh in Criminal Case No. 237 of 1996.

2. Brief facts of the case that the petitioner filed a complaint under Section 156(3) Cr. P.C. before the Judicial Magistrate for initiating the proceedings under the criminal offence against six persons including the opposite party No.2-Ram Lal. This applicant was rejected on 23.09.1996.

3. Opposite party No. 2 field a complaint for the offence under Section 500 I.P.C. against the applicant stating therein that he has been defamed by the applicant by filing application under Section 156(3) Cr. P.C.

4. After the institution of the complaint the statement of the compolainant /opposite party No. 2 was recorded under

Section 200 Cr.P.C. and thereafter statements' of the Witnesses were also recorded under Section 202 Cr. P.C. The Magistrate after having perused the documents available on record dismissed the complaint on 17.10.1996.

5. Feeling aggrieved by the aforesaid order opposite party No.2 filed a criminal revision in the Court of Sessions. The revision was allowed vide judgment and order dated 15.09.1999 and learned Session Judge directed the learned Magistrate to proceed in accordance with law. Thereafter learned Magistrate on 08.12.1999 summoned the applicant.

6. Feeling aggrieved by the aforesaid summoning order, this petition has been filed by the applicant before the Allahabad High Court, which has been transferred to this Court, for disposal, after creation of the Uttaranchal State.

7. Heard Sri Chetan Joshi, learned counsel for the applicant, Sri Lokendra dobhal, learned counsel for the opposite party No.2, learned A.G.A. and perused the record.

8. I do not find any abuse of process of court and also I could not lay my hand that the courts below have committed any error in adopting the legal proceedings.

8. Therefore, the petition lacks merit and is liable to be dismissed. Accordingly, the petition under section 482 Cr. P.C. is dismissed.

(B.C. Kandpal, J.)

20.07.2006
Aswal